

09-27-04

DPW

Attorney Docket No: 45858/56075-PCT-CIP-C



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Fomovskaia et al.

U.S.S.N.: 10/676,872

Group Art Unit: 1645

FILED: September 30, 2003

Examiner: Not yet assigned

FOR: FTA-COATED MEDIA FOR USE AS A MOLECULAR DIAGNOSTIC TOOL

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to MAIL STOP: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and designated by the "Express Mail" mailing label No. EV 437 819 562 US on September 24, 2004.

By

Sharon Bizokas

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. This transmittal letter (1 page) (x2);
2. Search Report Information Disclosure Statement (4 pages) and 1449 Form (1 page);
3. References for IDS (3 references);
4. Copy of EPO Search Report (3 pages); and
5. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

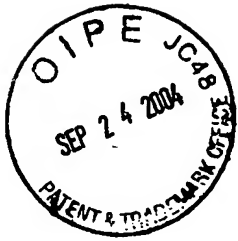
Respectfully submitted,

*Kathryn A. Piffat, Ph.D.*

Date: September 24, 2004

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**SEARCH REPORT INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b.     This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No.       , filed on       . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.
- c.     Examiner has requested only copy f Rogers et al. (CA)

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b.     A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. X The following additional information is provided for the Examiner's consideration:

X Copy of EPO Search Report.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a.     Within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b.     Within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

- c. ☐ Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).  
or  
b. ☒ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or  
b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c.      Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

     Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

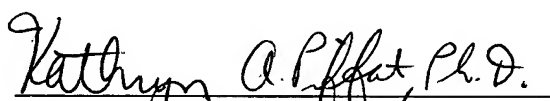
  X   No fee is required.

     The fee in the amount of \$180.00 is enclosed herewith.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: September 24, 2004



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<b>FORM PTO-1449</b>		<b>DOCKET NO:</b> 45858/56075-PCT-CIP-C		<b>SERIAL NO.:</b> 10/676,872			
<b>INFORMATION DISCLOSURE STATEMENT</b>		<b>APPLICANT(S):</b> Fomovskaia, et al.					
		<b>FILING DATE:</b> September 30, 2003		<b>GROUP NO.:</b> 1645			
<b>UNITED STATES PATENT DOCUMENTS</b>							
<b>EXAM. INITIALS</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUB- CLASS</b>	<b>FILING DATE IF APPROPRIATE</b>
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION YES/NO</b>
	BA	WO 90/03959	19.04.90	PCT	C07B	63/00	Yes
	BB	0 725 149 A1	07.08.96	EP	C12Q	1/68	Yes
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
	CA	Rogers et al., "Bacterial Typing: Storing and Processing of Stabilized Reference Bacteria for Polymerase Chain Reaction without Preparing DNA - An Example of an Automatable Procedure", Analytical Biochemistry 247:223-227 (1997)					
<b>EXAMINER:</b>					<b>DATE:</b>		